

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
**Zucherman, et al.**

Serial No.: **10/816,173**

Filed: **April 1, 2004**

For: **Interspinous Process Distraction  
Implant and Method of Implantation**

Docket No: **5910-194**

PATENT PENDING

Examiner: Pedro Philogene

Group Art Unit: 3733

Confirmation No.: 7894

Mail Stop AF  
Commissioner for Patents  
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October 21, 2008

Date

Cora L. Fedornock

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**RESPONSE TO FINAL OFFICE ACTION**

This paper is being filed in response to the Final Office Action mailed 22 September 2008. Reconsideration is respectfully requested in light of the amendments and remarks below. While no fees should be required for entry of this response, if any fees or charges are required, the Office is hereby authorized to charge them to Deposit Account 18-1167.

APPROVED: /P.P./